# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

		<del></del>
ITV DIRECT,	, INC.,	)
	Plaintiff,	)
v.		)
HEALTHY S	OLUTIONS, LLC, ET. AL.,	)
	Defendants.	) _) _)
CAPPSEALS	, INC., Plaintiff-in-	) ) C. A. No. 04-CV10421-JLT ) (DEIN, J)
. v.	Intervention	)
DIRECT BUS	OLUTIONS, LLC., D/B/A SINESS CONCEPTS; ITV C. AND DIRECT NT, LLC.	
	Intervenor- Defendants.	)
		J

CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT

**EXHIBIT 1, PART 2** 

Federal 1120S Depreciation Report

Regular Tax

Activity ..... Form 1120s Line 21 - 2005

Total cost of goods sold ...... Description In Service Cost Land Bus % Type Class Conv Depr Cost of Disposed Basis Sec. 179 Listed Mthd Life Year Prior Goods Sold ORGANIZATION COSTS 06/12/01 200. 100.00 AMORT NA 40. 200. 5.00 142. COMPUTER EQUIPMENT 04/01/02 164,691. 100.00 MACRS HY 13,281. 115,284. 5.00 200DB 82,082. OFFICE EQUIPMENT 04/01/02 153,163. MACRS 5 ΗY 12,351. 107,214. 200DB 5.00 76,336. AUTOMOBILE 08/01/02 51,155. 90.00 AUTO MACRS HY 1,598.湯 39,146. X 200DB 5.00 7,065. FURNITURE & FINTURES 04/01/02 48,219. 100.00 MACRS HY 4,217. 33,753. 7.00 200DB 18,992. LEASEHOLD IMPROVEMENTS 09/01/02 7,425. 100.00 MACRS NR MM 190. 调 7,425. ŞL 39.00 436. 4 **AUTOMOBILE** 03/01/02 27,160. 90.00 MACRS AUTO HY 1,598. 17,550. x 200DB 5.00 4 7,065. SOFTWARE 06/01/03 65,041. 100.00 NΡ NA 21,680. 65,041. SL 3.00 34,327. WORKSTATIONS 02/19/03 31,712. 100.00 MACRS ΗY 6,089. 31,712. 200DB 5.00 16,490. **BCOMPUTERS** 06/30/03 53,742. 100.00 MACRS ΗY 10,318. 53,742. 200DB 5.00 27,946. 置 TELEPHONE SYSTEM 06/30/03 53,565. 100.00 MACRS 7 HY 9,370.簡 53,565. X 7.00 200DB 20,770. OFFICE EQUIPMENT 06/30/03 11,346. MACRS 100.00 HY 2,178. 11,346. 200DB 5.00 5,900. FORKLIFT 06/30/03 19,439. 100,00 MACRS 3,400. 题 HY 19,439. 200DB 7.00 7,538. OFFICE FURNITURE 8,274. 06/30/03 100.00 MACRS HY 1,447.ඕ 8,274. 200DB 7.00 3,208. E COMPUTER EQUIPMENT 05/15/04 115,319. 100.00 MACRS HY 2,983.麗 9,323. 102,000. 200DB 5.00 1,865. SOFTWARE 03/12/04 19,262. 100.00 MACRS HY 5,993. 續 13,483. 200DB 3.00 4,494. OFFICE EQUIPMENT 06/30/04 6,105. 100.00 MACRS HY 1,047. 4,273. 200DB 7.00 610. MACHINERY & EQUIPMENT 02/18/04 18,129. 100.00 MACRS HY 3,108. 屬 12,690. 200DB 7.00 1,813. FURNITURE AND FIXTURES 06/30/04 13,098. 100.00 MACRS HY 2,245. 9,169. 200DB 7.00 1,310. 養TRUCK 08/27/04 57,719. 90.00 MACRS ΗY 8,311.麗 X 25,973. 200DB 5.00 5,195. TELEPHONE EQUIPMENT 06/01/05 597,191. 100.00 MACRS HY 85,313. 597,191. 7.00 200DB COMPUTERS AND SOFTWARE 04/15/05 157,042. 100.00 MACRS HY 31,408. 157,042. 200DB 5.00 1 WORKSTATIONS 05/15/05 42,477. 100.00 MACRS HY. 6,068.鹽 42,477. 7.00 200DB OFFICE EQUIPMENT 06/15/05 45,731. 100.00 MACRS HY 6,533. 45,731. 200DB 7.00

DIRECT MARKETING	CONCEPTS	, INC.	04-3564332		104 12/	10/200		1 ago o o 21
Federal 1120S Deprec Regular Tax	iation Repo	rt	1					Continued
Activity <u>Fo</u> Total cost of goods sol			1 - 2005					<del>ya ani ani ani ani ani ani ani ani ani an</del>
Description	In Service	Cost	: Land	Bus %	Туре	Class	Conv	Depr
Cost of Goods Sold	Disposed	Basis	Sec. 179	Listed	Mthd	Life	Year	Prior
STUDIO EQUIPMENT  FURNITURE AND FIXTURES  LEASEHOLD IMPROVEMENTS	02/15/05 06/15/05 06/05/05 06/30/05 06/35/03	10,65 63,53 63,53 58,76 58,76 535,43	9. 8. 1. 1. 32. 32. 0.	100.00 100.00 100.00 100.00 100.00 100.00 100.00	MACRS 200DB MACRS 200DB MACRS 200DB MACRS SL MACPS 200DB	7 7.00 7 7.00 7 7.00 NR 39.00 7	HY 1 HY 1 HY 1 MM 1 HY 1	1,523. 9,077. 8,394. 7,437. 12,171. 279,368. 323,584.
Federal 1120S Depreci Alternative Minimum T		t	ett og de og d				<u></u>	
Activity For	rm 1120S	Line 2	1 - 2005	**************************************				
Description	Real	Leased	AMT Cost	AMT L	₋ife	AMT De	or	AMT Adj
			AMT Basis	AMT M	1thd	AMT Pri	or	AMT Pref
ORGANIZATION COST	<u>s</u>		200.					
COMPUTER EQUIPMENT	_		164,691. 115,284. 153,163.	5.00 200DB 5.00 200DB		13,28 82,08 12,35	2.	0.6

Description	Real	Leased	AMT Cost	AMT Life	AMT Depr	AMT Adj
			AMT Basis	AMT Mthd	AMT Prior	AMT Pref
ORGANIZATION COSTS			200.			
COMPUTER EQUIPMENT			164,691.	5.00	13,281.	0.8
OFFICE EQUIPMENT			115,284. 153,163.	200DB 5.00	82,082. 12,351.	0.0
AUTOMOBILE			107,214. 51,155.	200DB 5.00	76,336. 1,598.	0.
FURNITURE & FIXTURES			39,146. 48,219.	200DB 7.00	7,065. 4,217.	0.8
LEASEHOLD IMPROVEMENTS			33,753. 7,425.	200DB 39.00	18,992. 190.	0.8
AUTOMOBILE			7,425. 27,160.	SL 5.00	436. 1,598.	0.2
SOFTWARE			17,550. 65,041.	200DB	7,065.	
WORKSTATIONS			31,712.	SL 5.00	5,660.	429.
			31,712.	150DB	12,844.	
COMPUTERS			53,742.	5.00 150DB	9,593. 21,765.	725.
TELEPHONE SYSTEM			53,565. 53,565.	7.00 150DB	8,052. 15,987.	1,318.
OFFICE EQUIPMENT			11,346. 11,346.	5.00 150DB	2,025. 4,595.	153.

ederal 1120S Depreciat Iternative Minimum Ta	ion Repo x	ort				Continue
ctivity Form	11208	Line 2	1 - 2005			
Description	Real	Leased	AMT Cost	AMT Life	AMT Depr	AMT Adj
			AMT Basis	AMT Mthd	AMT Prior	AMT Pref
FORKLIFT			19,439.	7.00	2,922.	
			19,439.	150DB	5,802.	***
OFFICE FURNITURE		[ <u>L</u>	8,274.	7.00	1,244.	203.
		ļ ,	8,274.	150DB	2,469.	
COMPUTER EQUIPMENT			115,319.	5.00	2,983.	0.
SOFTWARE		l —	9,323.	200DB	1,865.	
SUFTWARE			19,262.	3.00	5,993.	0.8
OFFICE EQUIPMENT			13,483.	200DB	4,494.	
DEFICE ECOTEMENT	لبيا		6,105.	7.00	1,047.	0. 🧗
ACHINERS & EQUIPMENT			4,273. 18,129,	200DB	610.	
	- <del>L</del>		12,690.	7.00 200DB	3,103.	0.,
URNITURE AND FIXTURES			13,098.	7.00	1,813.	
OMILIONS AND LIKEOMES	<u> </u>		9,169.	200DB	2,245.	0.
RUCK			57,719.	5.00	1,310. 8,311.	0.8
	, <del></del>	لببيا	25,973.	200DB	5,195.	0.0
ELEPHONE EQUIPMENT			597,191.	7.00	63,985.	21,328.
			597,191.	150DB		
OMPUTERS AND SOFTWARE			157,042.	5.00	23,556.	7,852.
		,	157,042.	150DB		
ORKSTATIONS			42,477.	7.00	4,551.	1,517.
	<del></del>		42,477.	150DB		
FFICE EQUIPMENT			<u>45,731.</u>	7.00	4,900.	1,633.
	<del>  </del>		45,731.	150DB		700
TUDIO EQUIPMENT		ا لــا	10,659.	7.00	1,142.	381.
WILDTO BOILT DWENT			10,659.	150DB		
TUDIO EQUIPMENT			63,538.	7.00	6,808.	2,269.龘
URNITURE AND FIXTURES			63,538.	150DB		
URNITURE AND FIXTURES			58,761. 58,761.	7.00	6,296.	2,098. 塵
EASEHOLD IMPROVEMENTS			535,432.	150DB 39.00	7,437.	
111111111111111111111111111111111111111			535,432.	SL	1,431.	0.2
TUDIO EQUIPMENT			85,200.	7.00	9,129.	3,042.
			85,200.	150DB		
otal	<del>- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1</del>	· · · · · · · · · · · · · · · · · · ·	2,520,795. 2,169,392.		214,222.	43,426.
			2,109,392.	:	270,725.	

Activity. For	M 11208 L	THE ZI -	2005		<del></del>		
Description	In Service	AMT Cost	AMT Basis	AMT SDA	Cost	SDA Basis	SDA
ORGANIZATION COSTS	06/12/01	200.			200.		
COMPUTER EQUIPMENT	04/01/02	164,691.		49,407.	164,691.		49,407.
OFFICE EQUIPMENT	04/01/02	153,163.		45,949.	153,163.		45,949.
AUTOMOBILE	08/01/02	51,155.		6,894.	51,155.		6,894.
FURNITURE & FIXTURES	04/01/02	48,219.		14,466.	48,219.		14,466.

Form 4562 **Special Depreciation Allowance Report** 

Continued

Activity: For	m 1120s L	ine 21 -	2005				<del>, (, , , , , , , , , , , , , , , , , , </del>
Description	In Service	AMT Cost	AMT Basis	AMT SDA	Cost	SDA Basis	SDA
LEASEHOLD IMPROVEMENTS	09/01/02	7,425.			7,425.		
AUTOMOBILE	03/01/02	27,160.		6,894.	27,160.		6,894.
SOFTWARE	06/01/03	65,041.			65,041.		
WORKSTATIONS	02/19/03	31,712.			31,712.	<del></del>	
COMPUTERS	06/30/03	53,742.			53,742.		
TELEPHONE SYSTEM	06/30/03	53,565.			53,565.	***************************************	
OFFICE EQUIPMENT	06/30/03	11,346.			11,346.		
FORKLIFT	06/30/03	19,439.			19,439.	<del></del>	
OFFICE FURNITURE	06/30/03	8,274.			8,274.	<del></del>	
COMPUTER EQUIPMENT	05/15/04	115,319.	:	3,996.	115,319.	<del>,,,</del>	3,996.
SOFTWARE	03/12/04	19,262.		5,779.	19,262.		5,779.
OFFICE EQUIPMENT	06/30/04	6,105.		1,832.	6,105.	· · · · · · · · · · · · · · · · · · ·	1,832.
MACHINERY & EQUIPMENT	02/18/04	18,129.		5,439.	18,129.		5,439.
FURNITURE AND FIXTURES	06/30/04	13,098.		3,929.	13,098.		3,929.
TRUCK	08/27/04	57,719.		25,974.	57,719.		25,974.
TELEPHONE EQUIPMENT	06/01/05	597,191.			597,191.	<del></del>	
COMPUTERS AND SOFTWARE	04/15/05	157,042.			157,042.		
WORKSTATIONS	05/15/05	42,477.			42,477.		
OFFICE EQUIPMENT	06/15/05	45,731.			45,731.		
STUDIO EQUIPMENT	02/15/05	10,659.			10,659.		
STUDIO EQUIPMENT	06/15/05	63,538.			63,538.		
FURNITURE AND FIXTURES	06/05/05	58,761.			58,761.	***************************************	
LEASEHOLD IMPROVEMENTS	06/30/05	535,432.			535,432.		
STUDIO EQUIPMENT	06/15/05	85,200.			85,200.		
Total		2,520,795.		170,559.	2,520,795.		170,559.

Form 1120S

# Two-Year Comparison • Keep for your records

2005

Name of Corporation Employer Identification Number DIRECT MARKETING CONCEPTS, INC. 04-3564332 2005 2004 Difference 2005 - 2004 Ordinary Income (Loss) % of Total % of Total Amount Amount Amount % Income Income 1 a Gross receipts or sales ...... 49,009,637 33,834,989 15,174,648 44.85 b Less returns and allowances .... c Net receipts ......▶ 49,009,637. 33,834,989 15,174,648. 44.85 2 Cost of goods sold (Schedule A) ... 31,306,508. 20,995,735 10,310,773. 49.11 Gross profit . . . . . . . . . . ▶ 17,703,129. 12,839,254 4,863,875 37.88 Net gain or loss (Form 4797) ..... 5 Other income ...... 13,235. 215 13,020 999.00 6 Total income (loss) . . . . . . ▶ 17,716,364. 100.00 12,839,469. 100.00 4,876,895 37.98 **Deductions** 1,418,870. 8.01 1,024,000. 7.98 394,870. 38.56 Salaries and wages (less employment credits) ..... 7,351,650 41.50 37.44 4,807,583 2,544,067 52.92 Recairs and maintenance 209,299. 14,895. 0.12 194,404. 999.00 Bad debts ..... 0.00 10 0.00 11 Rents 1,031,908. 3.89 5.82 498,925. 532,983. 106.83 4.53 12 Taxes and licenses ..... 803,295. 692,206. 5.39 111,089. 16.05 36,310. 13 Interest ...... 0.20 50,306. 0.39 -13,996. -27.82 14a Depreciation (Form 4562) ...... 279,328. 1.58 188,921. 1.47 90,407. 47.85 b Depreciation on Schedule A and elsewhere ..... 0.00 0.00 c Net depreciation ...... 279,328. 1.58 188,921 1.47 90,407. 47.85 15 Depletion (not oil and gas) ...... 0.00 0.00 16 Advertising ...... 17,401 0.10 37,826. 0.29 -20,425. -54.00 17 Pension, profit-sharing, etc. plans 54,682. 0.31 37,017. 0.29 17,665 47.72 18 Employee benefit programs ..... 397,547 2.24 307,253. 2.39 90,294. 29.39 19 Other deductions ..... 5,978,572. 33.75 3,847,355. 29.97 2,131,217. 55.39 20 Total deductions ......▶ 17,578,862. 99.22 11,506,287. 89.62 6,072,575. 52.78 21 Ordinary income (loss) from trade/business ..... 137,502. 0.78 1,333,182. 10.38 -1,195,680 -89.69 Tax 22a Excess net passive income tax ... 0.00 0.00 b Tax from Schedule D ..... 0.00 0.00 Additional taxes ..... 0.00 0.00 c Total tax ......▶ 0.00 0.00 Tax Payments and Credits 23 d Total payments and credits ...... 0. 0.00 0.00 0. 24 Estimated tax penalty ....... 0.00 0.00 0. Tax due ..... 0.00 0. 0.00 0. 26 Overpayment ..... 0. 0.00 0.00 Ο. Schedule K Items: Difference 2005 - 2004 2005 2004 Income (Loss) Amount 1 Ordinary business income (loss) ..... 137,502 1,333,182 -1,195,680 -89.693 Other net rental income (loss) ...... 5a Dividends - ordinary ..... b Dividends - qualified ..... 6 Royalty income ...... 7 Net short-term capital gain (loss) ...... 8 Net long-term capital gain (loss) ...... 9 Net gain (loss) under section 1231 ..... 10 Other income (loss) ......

SPSW4912 01/09/06

DIRECT MARKETING CONCEPTS, INC.  Schedule K Items (continued):	<del></del>		4-3564332	Page
Deductions (Continued).	2005	2004	Difference 2005	T
11 Section 179 expense deduction	<del></del>		Amount	%
12 a Charitable contributions	0 356	102,000.	-102,000.	
b Interest expense on investment debts	2,356.	3,165.	-809.	-25.5
c Section 59(e)(2) expenditures		· · · · · · · · · · · · · · · · · · ·		
				ļ
d Other deductions				<u> </u>
Credits and Credit Recapture				<del>,</del>
13a Low-income housing credit (section 42(j)(5))				
b Low-income housing credit (other)		<del></del>		
c Qualified rehabilitation expenditures (rental real estate)		<del></del>	: . · . • . · · . · · . · · · · · · · · ·	
d Other rental real estate credits	· · · · · · · · · · · · · · · · · · ·			<b></b>
e Other rental credits	<del></del>		<del></del>	
f Credit for alcohol used as fuel				
g Other credits and credit recapture		0.	0.	
Foreign Taxes				
14b Gross income from all sources				
c Gross income sourced at shareholder level				
Foreign gross income sourced at corporate level:				
d Passive				
e Listed categories				
f General limitation				
Deductions allocated and apportioned at shareholder level:				
g Interest expense				
h Other				
Deductions allocated and apportioned at corporate level to foreign source income:				
i Passive				
j Listed categories		· · · · · · · · · · · · · · · · · · ·	<del></del>	
k General limitation				
I Foreign taxes paid or accrued				
mReduction in taxes available for credit	· · · · · · · · · · · · · · · · · · ·			
Alternative Minimum Tax (AMT) Items				1
15a Post-1986 depreciation adjustment	43,426.	10,648.	32,778.	307.8
b Adjusted gain or loss	13/120.	20/010.	32/110.	307.0
c Depletion (other than oil and gas)	,			· · · · · · · · · · · · · · · · · · ·
d Oil, gas, and geothermal properties — gross income			· · · · · · · · · · · · · · · · · · ·	
e Oil, gas, and geothermal properties — gross income				
f Other AMT items	<u></u>			<u> </u>
16a Tax-exempt interest income			- <del> </del>	<del></del>
b Other tax-exempt income				<del></del>
The state of the s	33 360	10 612	12 717	70.0
c Nondeductible expenses	33,360.	19,613.	13,747.	
d Property distributions	29,812.	1,388,653.	-1,358,841.	-97.8
e Repayment of loans from shareholders		126,200.	-126,200.	I-TOO.0
Other Information	······································			
17a Investment income		•		<del></del>
b Investment expenses	•			
c Dividend distributions paid from E & P	0.	0.	0.	
dinasma (lana)	135 146	1 220 017	_1 000 071	-00 0

Form 1120S

# S Corporation Five Year Tax History ► Keep for your records

2005

Name DIRECT MARKETING CONCEPTS, INC.

**Employer Identification Number** 04-3564332

		2001	2002	2003	2004	2005	
1	Gross receipts	50,244.	300,000.	34,339,311.	33,834,989.	49,009,637.	
2	Cost of sales	11,898.		24,158,336.			
3	Gross profit	38,346.	300,000.	10,180,975.	12,839,254.	17,703,129.	
4	Net 4797 gain (loss)						
5	Other income (loss)				215.	13,235.	
6	Total income (loss)	38,346.	300,000.	10,180,975.	12,839,469.	17,716,364.	
7	Salaries	0.		4,691,116.	4,807,583.	7,351,650.	
8	Depreciation		172,988.	132,092.	188,921.	279,328.	
9	Other deductions	26,483.	40.	4,338,682.	6,509,783.	9,947,884.	
10	Business income	11,863.	126,972.	1,019,085.	1,333,182.	137,502.	
11	Passive investment						
	income			:			
12	Passive investment						
	expense			:			
13	Net passive		·			<del></del>	
	investment income						
14	Excess net passive		· · · · · · · · · · · · · · · · · · ·			***************************************	
	income tax						
15	Tax from	<del></del>			· <del></del>		
	Schedule D			:			
16	Additional taxes				<del></del>		
17	Tax liability					.——————————————————————————————————————	

SPSW2301.SCR 08/16/05

Case 1:04-cv-10421-JLT Document 178-3 Filed 12/15/2006 Page 9 of 21

Form 1120S

### Financial Statement Ratio Analysis

2005

	of Corporation		Employer Identification	on Number
DII	RECT MARKETING CONCEPTS, INC.	· · · · · · · · · · · · · · · · · · ·	04-3564332	) <del></del>
		2005	2004	U.S. Average
Liq	uidity Ratios			
1	Current Ratio  Current Assets/Current Liabilities.  Measures ability of the business to meet its current liabilities.	0.4	0.7	<del>erine yezhoù ar harrene</del>
2	Acid Test (Quick Ratio)  Quick Assets/Current Liabilities.  Measures liquidity (conservative estimate). Eliminates assets not readily converted to cash.	0.1	0.1	
Pro	fitability Ratios		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
3	Return on Total Assets (ROA)  Net Income/Total Assets.  Measures how effective business assets are used to produce profit.	2.9	41.5	, <u>, , , , , , , , , , , , , , , , , , </u>
	Prior year amount: Net income 1,208,401.	• · · · · · · · · · · · · · · · · · · ·		
4	Return on Equity (ROE)  Net Income/Equity.  Measures the earning power of the business.	109.7	5,811.6	
Lev	erage Ratios	<del>y - y - y - y - y - y - y - y - y - y -</del>	<del></del>	
5	Total Liabilities to Equity	3,730.4	13,899.7	· · · · · · · · · · · · · · · · · · ·
6	Fixed Assets to Long-Term Liabilities	746.4	1,011.6	
Act	ivity Ratios		<del></del>	
7	Inventory Turnover Net Sales/Average Inventory. Measures how long the current inventory will be in stock and how soon it will be turned into sales.	38.8	22.7	
	Soon it will be turned into sales.         Prior year amounts:         Beginning inventory       1,365,322.         Net sales       33,834,989.			
8	Depreciation to Property Plant and Equipment	11.1	20.4	
	Depreciation Expense/PPE.  Measures reasonableness and consistency of depreciation over time.			

CONFIDENTIAL

SPSW6601 08/16/05

If your firm is **ONLY** the ERO and the return being transmitted was not prepared by your firm, enter a preparer code from the Alternative EF Preparer Information to assign a paid preparer. (See Help) ... 

CCCV1701.SCR 12/06/05

43,426

2,356

137,502

Total

29,812

33,360

288,576.

	0011021 101111		•				
Schedule K Reconci Pro rata share items					<del>need and a getter to the property was a</del>		
Line 17e					<del>- Corporation (Corporation (Corporation))                                   </del>		
Sharehold	der	-17e- Total Income					
ROBERT A. MAIHO DONALD W. BARRETT,		67,573 67,573					
Total <u>135,146</u>							
Shareholders' Basis Stock and Loan Bas		· · · · · · · · · · · · · · · · · · ·		<del>generalis (s) (s) (society experiment), societ</del>	e de la composition		
Shareholder	ROBERI A. MA	IHOS	D.	No. <u>013-44-</u>	7291		
Basis Type	Beginning Balance	Increases	Decreases	Distributions	Ending Balance		
Stock	0.	68,751.	53,845.	14,906.	0.		
Loan	0.	·			0.		
Total	0.	68,751.	53,845.	14,906.	0.		
Shareholder	DONALD W. BA	RRETT, JR.	ID	No. <u>029-54-</u>	7612		
Basis Type	Beginning Balance	Increases	Decreases	Distributions	Ending Balance		
Stock	288,576.	68,751.	17,858.	14,906.	324,563.		

68,751.

17,858.

14,906.

324,563.

September 15, 2006

ROBERT A. MAIHOS 115 MILL STREET MIDDLETON, MA 01949-1998

Dear ROBERT A. MAIHOS,

Enclosed is your 2005 Schedule K-1 (Form 1120S), Shareholder's Share of Income, Credits, Deductions, etc., which has been filed with the 2005 Form 1120S U.S. Income Tax Return for an S Corporation for DIRECT MARKETING CONCEPTS. INC..

The amounts reported to you on lines 1-17 of the Schedule K-1 (Form 1120S), Shareholder's Share of Income, Credits, Deductions, etc., represent your share of income, credits, deductions, and other information to be reported on the appropriate lines of your tax return. The IRS uses codes on some lines of the Schedule K-1 to identify the item and provide reporting information. These codes are identified on page 2 of the K-1.

Enclosed is your 2005 Massachusetts Schedule SK-1 (Form 355S), which has been filed with the 2005 Form 355S Massachusetts S Corporation Excise of DIRECT MARKETING CONCEPTS, INC..

Should you have any questions regarding this information, please do not hesitate to call.

Sincerely,

DIRECT MARKETING CONCEPTS, INC. 55 CHERRY HILL DRIVE BEVERLY, MA 01915-1068

September 15, 2006

DONALD W. BARRETT, JR. 9 TALL TREE DRIVE BEVERLY, MA 01915

Dear DONALD W. BARRETT, JR.,

Enclosed is your 2005 Schedule K-1 (Form 1120S), Shareholder's Share of Income, Credits, Deductions, etc., which has been filed with the 2005 Form 1120S U.S. Income Tax Return for an S Corporation for DIRECT MARKETING CONCEPTS, INC..

The amounts reported to you on lines 1-17 of the Schedule K-1 (Form 1120S), Shareholder's Share of Income, Credits, Deductions, etc., represent your share of income, credits, deductions, and other information to be reported on the appropriate lines of your tax return. The IRS uses codes on some lines of the Schedule K-1 to identify the item and provide reporting information. These codes are identified on page 2 of the K-1.

Enclosed is your 2005 Massachusetts Schedule SK-1 (Form 355S), which has been filed with the 2005 Form 355S Massachusetts S Corporation Excise of DIRECT MARKETING CONCEPTS, INC..

Should you have any questions regarding this information, please do not hesitate to call.

Sincerely,

DIRECT MARKETING CONCEPTS, INC. 55 CHERRY HILL DRIVE BEVERLY, MA 01915-1068

DF

#### The Commonwealth of Massachusetts

Filing Fee: \$125.00 Late Fee: \$25.00

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

## Annual Report for Domestic and Foreign Corporations

(General Laws Chapter 156D Section 16.22; 950 CMR 113.57)

1 2	Exact name of the corporation:  Jurisdiction of incorporation: MA		NCEPTS, INC.	·	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
	Street address of the corporation's 55 CHERRY HILL DRIVE		nwealth:	and the second s	· :	· · · · · · · · · · · · · · · · · · ·
	BEVERLY				MA	01915-1068
,	Name of the market and the state		ty or town, state, zip o	code)		
	Name of the registered agent at the		A. MAIHOS		·/	<del> </del>
Э	Street address of the corporation's 55 CHERRY HILL DRIVE	ргіпсіраї опісе:				
	BEVERLY				367	01015 1050
	DEVERDI	(number, street, ci	ty or town, state, zip o	code)	MA	01915-1068
ē	Provide the names and addresses	of the corporation's board of di		•	cretary, and if	different, its chief
		NAME			DRESS	
			9 TALL TF	REE DRIVE		
	President: DONALD W. BARI	RETT	BEVERLY		MA	01915
	Total DODDE & CO.	* A A	7 TALL TE	REE DRIVE		
	Treasurer: ROBERT A. MAII	ios	BEVERLY		MA	01915
	Constant DODEDE A MATE	10.0	7 TALL TF	REE DRIVE		
	Secretary: ROBERT A. MAII	108	BEVERLY	DE DETIN	MA	01915
	Chief Executive Officer: DONAL	ששמממגם עו מ	9 TALL TE	KEE DRIVE	147	01015
	Chief Executive Officer. DONAL	D W. BARREII	BEVERLY 7 TALL TF	TH DDTII	MA	01915
	Chief Financial Officer: ROBER	ד א אאדערפ	BEVERLY	CEE DKIAE	3.63	01015
	Chief I Manicial Officer. ROBER	ancial Officer. ROBERT A. MATHOS		REE DRIVE	MA	01915
	Directors: ROBERT A. MAIH	104	BEVERLY	EE DEIVE	M7	01915
	Directors. ROBERT A: HALL	105	9 TALL TR	FF DRIVE	PIFI	01913
	DONALD W. BAR	RETT, JR.	BEVERLY	CHE DITTYE	MA	01915
7	Briefly describe the business of the	corporation: <u>INFOMERCI</u>	AL PRODUCTION	AND SALES		
8-9	Capital stock of each class and ser	ies:	<del></del>		<del></del>	
	CLASS OF STOCK	TOTAL AUTHORIZED BY	Y ARTICLES OF	TOTALIS	ELIED AND OL	ITOTANDING.
	CLASS OF STOCK	ORGANIZATION OR A Number of Sh	MENDMENTS		SUED AND OUNTY OF Sha	
	COMMON		200,000			200
	PREFERRED					
10 11	Check if the stock of the corporation Report is filed for fiscal year ending					
			(month,	day, year)		
Sign	ed by:			<del></del>	<del> </del>	
	Chairman of the board of directors	President	V 046	fficer		
	prigniting to the boatd of directors	Fresident	X Other o	шсеғ	∐ Court-a	ppointed fiduciary
on th	nis 15TH	day of <u>SEPTEMBER</u>	<del> </del>	, 20	006	
		MAC7170	1 10/21/05			07/17/0

01/13/05



ŕ	88-12-	00019				Cut Along this Dotted	Line	,		
1		5-ES	(	Corp	oration	Estimated Ta	ay Payme	ant Vouche	20	ne
i.		ノーこう ichusetts Department of i		Р	For calend	lar year 2006 or oth	or toyable we	ant vouche	~ 20	Voucher 1
-	<del>,</del>	al Identification number	Be sure this	Tax	able year	Due date				
i		-3564332	return covers correct period		•		Fill out a and b, only if amending or making first payment.			
)     	04	3304332	contect period	12/3	1/06	03/15/06	a Total tax for prior year.  b Overpayment from last credited to estimated ta			yment from last year d to estimated tax for
.l	<del></del> →	DIRECT MARK	ETTNO CO	מישיאור ר	TS, INC			11 000	this yea	
ĺ,	If not correct.	FF GUNDBU W			TO, THE	··•	\$	11,229.	<u> </u>	30,000.
	please see	BEVERLY	THE DICT	V 13	MA	01915-1068	12/31	ax for the year ending:		
ļ	nstruc-				LIE	01515 1000		DAY YEAR	ş	24 700
1								DAI ILAN	-   3 -	24,700.
	<del></del>		<del></del>				(.40 times	this installment estimated tax)*	\$	9,900.
							I credit, if an	unused overpayment y, applied to this (see instructions)	<b>s</b>	9,900.
.!		043	564332	DIR5	511261	67				1
							3 Amount du	with this installment	\$	
1	Make Com	check or money or monwealth of Mass	der payable achusetts.	to:	Check ap	propriate box:		*New corporation	ons in the	ir first full taxable
•					X Dome	stic corp (0167)		year with less to	han 10 er	nolovees have
	Maii to: Massachusetts Department of Revenue, Foreign corp (0163)				n corp (0163)		55/25/20%; and	80/20%.	ا ۱ ۱۲۵۰ ۱۶۸	
ij	P.O. Box 7046, Boston, MA 02204. Other									MACZG212 01/05/06
				<del></del>		Cut Along this Dotted		·		
_						Cut Along this Dotted	Line			
1	88-12-			Corne	oration	Estimated Ta	ay Payme	ant Vouche	- 20	ne
		5-ES chusetts Department of I		- O. P.		lar year 2006 or oth	-			Voucher 2
-		al Identification number	Be sure this	Tax	able year	Due date		at a and b, only if ame		
i		-3564332	return covers correct period			06/15/06	1,110	a and b, only it ame	toning of their	ding that payment.
-		3004332		112/3	1/00	100/13/00	a Total tax for prior year. b Overpayment from last year			
į							a Total tax for prior year.  b Overpayment from last year credited to estimated tax for this year.			to estimated tax for
1	>	DIRECT MARKE	ETING CO	ONCEP	TS, INC	1 . •	\$	11,229.	\$	30,000.
' i c	If not correct,	55 CHERRY H						ax for the year ending	<del></del>	
1		BEVERLY			MA	01915-1068	12/31	/06		. 1 ]
l sr	istruc- tions						MONTH	DAY YEAR	\$	24,700.
1							1 Amount of	this installment		
L					<del> </del>			this installment estimated tax)*	\$	6,200.
	1					2 Amount of unused overpayment credit, if any, applied to this				
i							credit, if an	y, applied to this	1.	!
		0	F. 6555			r m	credit, if an installment	y, applied to this (see instructions)	\$	6,200.
!		043	564332	DIR5	257567	<b>6</b> 7	installment	(see instructions)		[
	Make					· · · · · · · · · · · · · · · · · · ·	installment	y, applied to this (see instructions)		6,200.
	Make Com	043.				Ь7 propriate box:	installment	with this installment  *New corporations*	\$	0.
	Make Com				Check ap	propriate box:	installment	with this installment  *New corporation  year with less to	\$ ons in the	0. ir first full taxable nployees have
1	Mail	check or money or monwealth of Mass	der payable achusetts.	e to:	Check ap	· · · · · · · · · · · · · · · · · · ·	installment	with this installment  *New corporations*	ons in the	0. I

Cut Along this Dotted Line

					Cut Along this Dotted	Line	. —				
355-ES Massachusetts Department of Revenue  Corporation Estimated Tax Payment Voucher — 2006 For calendar year 2006 or other taxable year beginning in 2006  Voucher 3											
	al Identification number	Be sure this return covers		able year	Due date	Fill ou	t a and b, only if ame	nding or makin	g first payment.		
04	-3564332	correct period	12/3	1/06	09/15/06	3 Total tou for		<b>h</b> 0	- the state of the		
						a Total tax for	prior year.	credited this year.	nent from last year o estimated tax for		
→	DIRECT MARKI	ETING CO	ONCEP	TS, INC		\$	11,229.	Ş	30,000.		
if not   55 CHERRY HILL DRIVE   please				1	ex for the year ending		<del></del>				
see instruc-	BEVERLY			AM	01915-1068	12/31			04 700		
tions						MONTH	DAY YEAR	\$	24,700.		
							his installment stimated tax)*	\$	. \$ 6,200.		
						2 Amount of a	nused overpayment , applied to this				
	בינם	÷: ,, ¬¬¬	N T D F		. –	installment	(see instructions)	\$	6,200.		
	U43.	564332	האדת	531561	<b>5</b> (	3 Amount due	with this installment	s	0.		
Make	e check or money or	der payable	e to:	Check ap	propriate box:	-			· · · · · · · · · · · · · · · · · · ·		
Com	monwealth of Mass	achusetts.				#New corporations in their first full taxat year with less than 10 employees have			picvees have		
Mail	to:			1 ===	stic corp (0167) gn corp (0168)	lower percentages: 30/25/25/20%; 55/25/20%; and 80/20%.					
Mass P.O.	sachusetts Departn Box 7046, Boston,	ent of Reve MA 02204.	enue,	Other	• • •		, , , , , , , , , , , , , , , , , , , ,		MACZ0212 01/05/06		
_'				ا کا کا کا اسلاسا	Cut Along this Dotted		'				
				,	Cut Along this Dotted	Line					
	-00018 <b>5-ES</b>		Corp	oration	Estimated T	ax Pavme	ent Vouche	r – 200	6		
	Jー <b>に</b> う achusetts Department of				lar year 2006 or ot	-			Voucher 4		
Fede	ral Identification number	Be sure this return covers		xable year	Due date	Fill ou	t a and b, only if ame	nding or makir	ig first payment.		
04	-3564332	correct period		1/06	12/15/06	2 Tabel days for		h Our			
l I						a Total tax for	r prior year.	credited this year.	nent from last year o estimated tax for		
-	DIRECT MARK	ETING C	ONCEP	TS, INC		ş	11,229.	\$	30,000.		
If not correct,	55 CHERRY H	ILL DRI	VE	•		C Estimated to	ax for the year ending	:			
please see instruc-	BEVERLY			MA	01915-1068	12/31	<del></del>		0.4. 500		
tions						MONTH	DAY YEAR	<u> </u>	24,700.		
							his installment	\$	2,500.		
	<u> </u>	<del>/</del>				2 Amount of u	nused overpayment		Total Commencer		
					installment	credit, if any, applied to this installment (see instructions) \$ 2,50					
043564332DIR554126167				3 Amount due with this installment\$							
						0.					
Make check or money order payable to: Check appropriate box: Commonwealth of Massachusetts.						*New corporati	ons in their	first full taxable			
l <sup>I</sup> Mail	to:				estic corp (0167)		lower percenta 55/25/20%; an	ges: 30/25/	25/20%;		
Mas	sachusetts Departr	nent of Rev	enue,	1 ===	gn corp (0168)		JUIZUIZU70, all	u 00/20%.	MACZ0212 01/05/06		
۲.0.	Box 7046, Boston,	INA UZZU4.		Other			1				

Cut Along this Dotted Line

CONFIDENTIAL

DMC 05534

88-12-00018

DIRECT MARKETING CONCEPTS, INC.

#### **Corporation Estimated Tax Worksheet**

:. 04-3564332 Ksheet

b Overpayment from last year to be credited to estimated tax for this year

c Estimated tax for the year ending 12/31/06 (date)

	\$	11,229.	\$	30,	000.		\$		24,700.		
f you first meet the requirements for making estimated payments in the taxable year, use the Amended Estimated Tax Payment Schedule below.		1st installment		2nd installment			3rd installment	4th installment			
1	of item c and 4th in 10% of ite Corporati year with	of each installment. Ente for installment 1. For 2n stallments use 25%, 2sem c, respectively. <b>Note</b> ons in their first full taxa 1 - 9 employees should 6, 25% and 20% respec	nd, 3rd 5% and e: able use	\$	9,900.	Ş	6,200.	<b>\$</b>	6,200.	\$	2,500.
2		ount of overpayment fro ied to an installment, if		\$	9,900.	\$	6,200.	ş	6,200.	\$	2,500.
3	Amount d	lue. <i>Subtract line 2 from</i>	line 1	\$	0.	\$	0.	Ş	0.	\$	0.

#### Amended Estimated Tax Payment Schedule

1	Enter total tax for prior year, if any	7	នុ
	Enter overpayment from last year, if any, to be credited to estimated tax this year		\$

Enter the item a amount in the proper column of line 1 in the Estimated Tax Worksheet (above) and adjust or complete the remaining applicable items.

2006 Record of Estimated Tax Payments

Voucher number	a. Date	b. Amount paid	c. 2005 overpayment credit applied to installment	Total amount paid and credited through the installment date shown.  Add b and c
1	03/15/06	0.	9,900.	9,900.
2	06/15/06	0.	6,200.	6,200.
3	09/15/06	0.	6,200.	6,200.
4	12/15/06	0.	2,500.	2,500.
Total		0.	24,800.	24,800.

Please submit the vouchers, with your payments, when due. Make all checks payable to: Commonwealth of Massachusetts.

An additional charge is imposed by law on any underpayment of estimated tax. In addition to the above, corporations may be subject to a fine of up to \$100,000 for willful failure to pay an estimated tax and a fine of up to \$500,000 and/or imprisonment up to five years for willful evasion of taxes.

If forms are lost, contact the Massachusetts Department of Revenue, Customer Service Bureau, P.O. Box 7010, Boston, MA 02204. Telephone: (617) 887-MDOR, or toll-free in-state 1-800-392-6089.

Practitioners: You must obtain prior approval if you plan to use substitute vouchers.

CONFIDER



2005 Form 355S MA0534711030 S Corporation Excise Return

Year beginning

End

DIRECT MARKETING CONCEPTS,			_
	EVERLY	MA 01915106	
55 CHERRY HILL DRIVE BE	EVERLY	MA 01915106	0
1 is the corporation incorporated within Massachuset	tts?	► X Yes No	
2 Tipe of corporation ► Section 38 manufacturer	Mutual fund service		
3 Type of corporation ► R&D	Classified manufacturing	RIC	
4 Is the corporation a qualified S corporation subsidi	ary?	► Yes X No	
5 Is the corporation the parent of another corporation?		► Yes X No	
6 Is the corporation an insurance mutual fund holding	g corporation?	► Yes X No	
7 Is the corporation requesting alternate apportionment	ent?	► Yes X No	
8 Is this a final Massachusetts return?		Yes X No	F10100
9 Principal business code		<b>▶</b> 9	512100
10 FID of parent corporation, if filing a consolidated fe	ederal return	▶ 10	40E
11 Average number of employees in Massachusetts		11	485 485
12 Average number of employees worldwide		12	06122001
13 Date of charter or first date of business in Massacl	husetts	13 ► 14	00122001
14 Last year audited by IRS	•	, ,	
15 Have adjustments been reported to Massachusetts		**	
16 Is the corporation deducting intangible or interest of	exbeuses baid to a ligitated entity	165 22 110	
Excise Calculation			
1 Taxable Massachusetts tangible property, if applicable	<b>►</b> 1938918	x .0026 = ► 1	5041
2 Taxable net worth, if applicable	▶	x .0026 = ► 2	0
3 Qualifying taxable income and passive investment income	▶ .	x . 095 = ► 3	
SIGN HERE. Under penalties of perjury, I declare that to the best of			
Signature of appropriate officer Date	Print paid preparer's name	Paid preparer's SSN o	
09152		P4318393	7
Title	Paid preparer's phone	Paid preparer's EIN	5. <del>7</del>
TREASURER	(617) 946-25	62 04-31839	37
Are you signing as an authorized delegate	Paid preparer's signature	Date	Check if self-employed
of the appropriate officer of the corporation?	Palu freparer a signature	09152006	
(see instructions) Yes X No	No floor	03132000	23
	*		•.
	LEO H. BONA	RRIGO CPA	

BOSTON PRIVACY ACT NOTICE AVAILABLE UPON REQUEST

268 SUMMER STREET 6TH FLOOR

MASA0112 12/01/05

**DMC 05536** 

MA 02210



**2005 Form 355S, page 2** MA0534721030

S Corporation Excise Return 04-3564332 DIRECT MARKETING CONCEPTS, INC.

4	Income		4	49022872
5	Income taxable in Massachusetts	▶	5	137502
6	If line 4 is less than $6 \text{ million}$ , enter '0.' If line 4 is $6 \text{ million}$ or more, but less than $9 \text{ million}$ , multiply line 5 by .03. If line 4 is $9 \text{ million}$ or more, multiply line 5 by .045		6	6188
7	Credit recapture	₽	7	
3	Excise before credits		8	11229
9	Economic Opportunity Area Credit	▶	9	
10	3% credit for certain new or expanded investments	<b>}&gt;</b> -	10	
11	Vanpool Credit		11	
12	Credit carryover	►	12	
13	Research Credit	▶	13	
14	Harbor Maintenance Tax Credit		14	
15	Full Employment Credit	<b>&gt;</b>	15	
16	Brownfields Credit	<b>&gt;</b>	16	
17	Low-Income Housing Credit	<b>▶</b>	17	
18	Historic Rehabilitation Credit	►	18	
19a	Home Energy Efficiency Credit ► b Solar Heat Credit ►	a + b =	19	
20	Total credits	<b>&gt;</b>	20	
21	Excise after credits		21	11229
22	Minimum excise		22	456
23	Excise due before voluntary contribution		23	11229
24	Voluntary contribution for endangered wildlife conservation	▶	24	0
25	Excise due plus voluntary contribution	. >	25	11229
26	2004 overpayment applied to your 2005 estimated tax	B10-	26	
27	2005 Massachusetts estimated tax payments	▶	27	
28	Payment made with extension	>	28	65000
29	Amount overpaid		29	53771
30	Amount overpaid to be credited to 2006 estimated tax	▶	30	30000
31	Amount overpaid to be refunded	▶	31	23207
32	Balance due Balan	nce due 🟲	32	
33 a	M-2220 penalty ► 564 b Late file/pay penalties ►	a + b =	33	564
34	Interest on unpaid balance	▶	34	
35		otal due 🏲	35	